

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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SENATE BILL 156  
Judiciary Committee Substitute Adopted 3/19/19  
House Committee Substitute Favorable 6/24/20  
PROPOSED HOUSE COMMITTEE SUBSTITUTE S156-CSTU-41 [v.3]

06/24/2020 08:38:20 PM

Short Title: Superseding Orders/Domestic Violence/ALE.

(Public)

Sponsors:

Referred to:

February 28, 2019

1 A BILL TO BE ENTITLED  
2 AN ACT TO CLARIFY WHEN SUBSEQUENT COURT ORDERS WILL SUPERSEDE  
3 SIMILAR PROVISIONS IN DOMESTIC VIOLENCE PROTECTIVE ORDERS AND TO  
4 ALLOW THE DEPARTMENT OF PUBLIC SAFETY TO RELOCATE ALCOHOL LAW  
5 ENFORCEMENT AS SUITABLE STATE-OWNED PROPERTY IS IDENTIFIED.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.(a)** G.S. 50B-7(b) reads as rewritten:

8 "(b) Any subsequent court order ~~entered under~~ Chapter 50 or Chapter 110 of the General  
9 Statutes supersedes similar provisions in prior protective orders issued pursuant to this Chapter."

10 **SECTION 1.(b)** G.S. 50B-2(a) reads as rewritten:

11 "(a) Any person residing in this State may seek relief under this Chapter by filing a civil  
12 action or by filing a motion in any existing action filed under Chapter 50 of the General Statutes  
13 alleging acts of domestic violence against himself or herself or a minor child who resides with or  
14 is in the custody of such person. A party seeking relief under this Chapter shall disclose in its  
15 pleadings or attached affidavit any existing court order between the parties issued pursuant  
16 Chapter 50, Chapter 50B, or Chapter 110 of the General Statutes. Should the court determine that  
17 a party under this Chapter has failed to make the disclosure required, no relief granted under an  
18 order entered pursuant to this Chapter in reliance upon that party's pleading or attached affidavit  
19 lacking such disclosure supersedes any similar provision in the prior Chapter 50, Chapter 50B,  
20 or Chapter 110 court order. Any aggrieved party entitled to relief under this Chapter may file a  
21 civil action and proceed pro se, without the assistance of legal counsel. The district court division  
22 of the General Court of Justice shall have original jurisdiction over actions instituted under this  
23 Chapter. Any action for a domestic violence protective order requires that a summons be issued  
24 and served. The summons issued pursuant to this Chapter shall require the defendant to answer  
25 within 10 days of the date of service. Attachments to the summons shall include the complaint,  
26 notice of hearing, any temporary or ex parte order that has been issued, and other papers through  
27 the appropriate law enforcement agency where the defendant is to be served. In compliance with  
28 the federal Violence Against Women Act, no court costs or attorneys' fees shall be assessed for  
29 the filing, issuance, registration, or service of a protective order or petition for a protective order  
30 or witness subpoena, except as provided in G.S. 1A-1, Rule 11."

31 **SECTION 1.(c)** This section is effective when it becomes law, and applies to court  
32 orders entered on or after that date.

33 **SECTION 2.** The Department of Public Safety may begin to relocate the ALE  
34 Headquarters and ALE regional offices as State-owned space is identified or recurring funding



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1 is secured. Until recurring funding is secured or State-owned space is identified, the Department  
2 of Public Safety shall continue to consolidate ALE and SBI regions and regional offices so that  
3 district offices remain co-located.

4           **SECTION 3.** Except as otherwise provided, this act is effective when it becomes  
5 law.